

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

**Richard Lowery**, on behalf of himself  
and others similarly situated,

Plaintiff,

v.

**Texas A&M University System, et al.**,

Defendants.

Civil Action No.  
4:22-cv-3091

JUDGE CHARLES ESKRIDGE

**DECLARATION OF JONATHAN F. MITCHELL**

1. My name is Jonathan F. Mitchell. I am over the age of 18 and fully competent in all respects to make this declaration.
2. I have personal knowledge of the facts stated in this declaration, and all of these facts are true and correct.
3. I represent plaintiff Richard Lowery in this litigation, and I submit this declaration in support of the plaintiff's notice to the court (ECF No. 39).
4. The document attached as Exhibit 1 to this notice is an authentic copy of a news story from the web site of the New York Times, which I downloaded on July 23, 2023. The URL was <https://www.nytimes.com/2023/07/21/us/texas-a-m-president-resigns.html>
5. The document attached as Exhibit 2 to this notice is an authentic copy of a news story from the web site of the Washington Post, which I downloaded on July 23, 2023. The URL was <https://www.washingtonpost.com/education/2023/07/21/texas-am-president-resigns-kathleen-mcelroy-controversy>
6. The document attached as Exhibit 3 to this notice is an authentic copy of a news story from Texas A&M Today, which I downloaded on July 23, 2023. The URL

was <https://today.tamu.edu/2023/06/13/aggie-with-distinguished-career-selected-to-lead-texas-am-journalism-program>

7. The document attached as Exhibit 4 to this notice is an authentic copy of an article that I downloaded on June 30, 2023, from the following URL: <https://texasscorecard.com/state/aggies-hire-ny-times-diversity-advocate-to-head-journalism-program>

8. The document attached as Exhibit 5 to this notice is an authentic copy of a news story from Texas A&M Today, which I downloaded on July 23, 2023. The URL was <https://www.texastribune.org/2023/07/11/texas-a-m-kathleen-mcelroy-journalism>

9. The document attached as Exhibit 6 to this notice is an authentic copy of an e-mail sent by Duncan M. (Hank) Walker, Associate Dean for Graduate Programs, College of Engineering at Texas A&M University, on July 23, 2023

10. The document attached as Exhibit 7 to this notice is an authentic copy of a news story from Texas A&M Today, which I downloaded on July 23, 2023. The URL was <https://today.tamu.edu/2023/07/21/texas-am-president-kathy-banks-to-retire-immediately>

This concludes my sworn statement. I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 23, 2023

Jonathan F. Mitchell  
JONATHAN F. MITCHELL